

## **DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### **PERFORMANCE CONTROL APPARATUS**

the specification of which

- ☒ is attached hereto  
☐ was filed on \_\_\_\_\_  
☐ as United States Application No. \_\_\_\_\_  
☐ as PCT International Application No. \_\_\_\_\_  
☐ and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

#### **Earlier Filing Date Benefits**

☐ Prior Foreign Application - I hereby claim foreign priority benefits under 35 U.S.C. 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Number	Country	Filing Date (mm/dd/yyyy)
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☐ § 119(e) Priority - I hereby claim the benefit under 35 U.S.C. 119(e) of the United States Provisional application(s) listed below:

Application Number	Filing Date
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☐ § 120 Priority - I hereby claim the benefit under 35 U.S.C. 120 of any United States Application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Filing Date	Status
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I hereby appoint Carrie A. Boone, Reg. No. 48,282, my patent attorney, of CARRIE A. BOONE, P.C., with an office address of 2450 Louisiana, Suite 400-310, Houston, Texas 77006, telephone 713-521-2176, as well as the persons listed on Appendix A hereto (which is incorporated by reference as a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Address all correspondence to: Carrie A. Boone  
 CARRIE A. BOONE, P.C.  
 2450 Louisiana, Suite 400-310  
 Houston, Texas 77006  
 713-521-2176 main  
 713-521-2177 fax  
 Customer Number: 32509

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: EDWARD O. CLAPPER	Citizenship: USA
Inventor's Signature: <i>Edward O. Clapper</i>	Date: <i>March 24, 2004</i>
Residence (city, state): Tempe, Arizona	Post Office Address: 101 East Riviera Drive Tempe, Arizona 85282

## Appendix A

INTEL CORPORATION  
Santa Clara, CA 95052

Alan K. Aldous	31,905	John F. Travis	43,203
Rob D. Anderson	33,826	Rob Wawrzyn	54,654
Shireen I. Bacon	40,494	Calvin E. Wells	43,256
Michael Barre	44,023	Stuart Whittington	45,215
Jay P. Beale	50,901	Michael Willardson	50,856
R. Edward Brake	37,784	Robert G. Winkle	37,474
Ben Burge	42,372	Rita Wisor	41,382
Robert Chang	48,765	Sharon Wong	37,760
George Chen	50,807	Steven D. Yates	42,242
Glen B. Chai	43,546		
Kenneth Cool	40,570		
Ted A. Crawford	50,610		
Robert Diehl	40,992		
Jeffrey S. Draeger	41,000		
Cynthia Thomas Faatz	39,973		
Christopher Gagne	36,142		
Sharmini N. Green	41,410		
Robert Greenberg	44,133		
Brad Greenwald	34,341		
Libby Hope	46,774		
Jeffrey B. Huter	41,086		
Seth Z. Kalson	40,670		
Peter Lam	44,855		
Issac Lin	50,672		
Anthony Martinez	44,223		
Molly McCall	46,126		
Larry Mennemeler	51,003		
Paul Nagy	37,896		
Michael J. Neshelwat	47,819		
Dennis A. Nicholls	42,036		
Lanny Parker	44,281		
Alan Pedersen-Giles	39,996		
Michael D. Plimler	43,004		
Michael Proksch	43,021		
Kevin A. Reif	36,381		
Crystal D. Sayles	44,318		
Russell Scott	43,103		
Kenneth M. Seddon	43,105		
Mark Seeley	32,299		
Ami P. Shah	42,143		
David Simon	32,756		
Steven P. Skabrat	36,279		
Paul Steiner	41,326		
Joni D. Stutman-Horn	42,173		
David Tran	50,804		